



# **GOSPORT BOROUGH COUNCIL MEETING AGENDA**

**Wednesday, 29 July 2020  
6.00 pm**





Notice is hereby given that a **MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held **VIRTUALLY** on **WEDNESDAY** the **TWENTY NINTH DAY** of **JULY 2020** at **6PM**, **AND ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting
2. To confirm the Minutes of Meeting of the Council held on 10th June 2020 (Pages 1 - 4)
3. To consider any Mayor's Communications.
4. **DEPUTATIONS IN ACCORDANCE WITH STANDING ORDER NO 3.4**

**(NOTE: Standing Order No 3.4 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 27 JULY 2020 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 27 JULY 2020).**

5. Questions (if any) pursuant to Standing Order No 3.3

**(NOTE: Members are reminded that Standing Order No 3.3 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 28 JULY 2020).**

6. Part II minutes of the Boards of the Council: (Pages 5 - 12)

<b>BOARD</b>	<b>DATE</b>
Economic Development Board	1 July 2020
Policy and Organisation Board	10 June 2020
Policy and Organisation Board	28 July 2020 (to follow)

7. SEASHORE BYELAWS (Pages 13 - 28)

Consideration of the report of the Borough Solicitor and Monitoring Officer.

8. TOWN CENTRE PSPO 2020

Report to follow.

**DAVID WILLIAMS  
CHIEF EXECUTIVE**

**TOWN HALL  
GOSPORT**

21 July 2020

**This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.**

**MEMBERS ARE REQUESTED TO NOTE THAT:**

**(1) IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE WITH STANDING ORDER 4.11.18**

**(2) MOBILE PHONES SHOULD BE SWITCHED OFF OR SWITCHED TO SILENT FOR THE DURATION OF THE MEETING**

# Agenda Item 2

## MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 JUNE 2020 AT 6.00 pm

Attendance:

Councillors Mitchell, Hook, Ms Ballard, Bateman, Mrs Batty, Beavis, Burgess, Carter, Chegwyn, Mrs Cully, Earle, Foster-Reed, Mrs Furlong, Mrs Hook, Mrs Huggins, Hylands, Jessop, Mrs Jones, Miss Kelly, Mrs Morgan, Murphy, Philpott, Mrs Prickett, Raffaelli, Scard, Blackman, Casey, Hammond, Herridge, Hutchison, Johnston, Pepper and Westerby

### **TO RECEIVE APOLOGIES FROM MEMBERS FOR THEIR INABILITY TO ATTEND THE MEETING**

An apology for non attendance was received from Councillor Farr.

### **DECLARATIONS OF INTEREST**

There were none.

### **TO ELECT FROM AMONG THE COUNCILLORS OF THE BOROUGH A MAYOR OF THE BOROUGH OF GOSPORT TO SERVE FOR THE MUNICIPAL YEAR 2020/21**

PROPOSED BY COUNCILLOR HOOK  
SECONDED BY COUNCILLOR BURGESS

That Councillor Zoe Huggins be elected Mayor of the Borough of Gosport for the Municipal Year ending May 2020.

**COUNCIL RESOLVED: That Councillor Huggins be elected Mayor of the Borough of Gosport for the Municipal Year ending May 2020.**

The Retiring Mayor thereupon vacated the Chair, which was taken by the newly elected Mayor, who made the statutory Declaration of Acceptance of Office. She nominated her husband, Darren Huggins to be Mayor's Consort for the Municipal Year ending May 2020.

### **REPLY BY HER WORSHIP THE MAYOR**

The new Mayor replied to the Council's resolution and returned thanks for her election.

### **TO ELECT FROM AMONG THE COUNCILLORS OF THE BOROUGH A DEPUTY MAYOR OF THE BOROUGH OF GOSPORT TO SERVE FOR THE MUNICIPAL YEAR 2020/21**

Councillor Rev. Blackman proposed and Councillor Burgess seconded the Motion that Councillor Hook be elected Deputy Mayor of the Borough of Gosport for the Municipal Year ending May 2020.

**COUNCIL RESOLVED: That Councillor Hook be elected Deputy Mayor of the Borough of Gosport for the Municipal Year ending May 2020.**

The Deputy Mayor made the Statutory Declaration of Acceptance of Office and returned thanks for his election.

**TO CONFIRM THE MINUTES OF MEETING OF THE COUNCIL HELD ON 5 FEBRUARY 2020 (COPY HEREWITH).**

**COUNCIL RESOLVED: That the Minutes of the meeting of the Council held on 5 February 2020 be confirmed and signed.**

**TO CONSIDER ANY MAYOR'S COMMUNICATIONS**

The Mayor advised that her charities for the year 2020/21 were Oarsome Chance, Solent Mind and The Firstlight Trust and any wider charities within the Borough.

The Mayor also confirmed that Rev. John Draper would be her Chaplain for the year.

**TO RECEIVE DEPUTATIONS IN ACCORDANCE WITH STANDING ORDER NO 3.4 AND TO ANSWER PUBLIC QUESTIONS PURSUANT TO STANDING ORDER NO 3.5, SUCH QUESTIONS TO BE ANSWERED ORALLY DURING A TIME NOT EXCEEDING 15 MINUTES.**

There were none.

**QUESTIONS (IF ANY) PURSUANT TO STANDING ORDER NO 3.3.**

There were none.

**CONSIDERATION OF RECOMMENDATIONS BY BOARDS OF THE COUNCIL:**

Consideration was given to a cross reference from the Community Board meeting held on 4<sup>th</sup> March 2020.

RESOLVED: That the

- i) Changes to the Community Board Terms of Reference and the creation of a Housing Board and a Climate Change Board with Terms of Reference as set out at Appendix A to the report.
- ii) Amendments to the Constitution to reflect the changes to the Boards set out above and in Appendix A to the report including the creation of a Housing Board and a Climate Change Board.

**TO RECEIVE THE FOLLOWING PART II MINUTES OF THE BOARDS OF THE COUNCIL:**

**PART II MINUTES**

**COUNCIL RESOLVED: That the following Part II Minutes be received.**

- Community Board: 4 March 2020
- Economic Development Board: 11 March 2020
- Policy and Organisation Board: 16 March 2020

## **COMPOSITION AND REVIEW OF COUNCIL BOARDS AND COMMITTEES AND DETERMINATION OF ALLOCATION OF SEATS**

The Borough Solicitor and Monitoring Officer had submitted a report to Members of the Council in connection with the above.

The report advised the balance of the seats on the Council and the position with regard to Political Groups and to undertake a review in accordance with the “Proportionality Rules” of the balance of seats on the Boards and Committees of the Council.

**RECOMMENDED:** That the Council approve:

- (i) the allocation of seats on the Boards and Committee as set out in paragraph 3.1 of the report;

### **TO APPOINT THE CHAIRMAN OF THE POLICY AND ORGANISATION BOARD PURSUANT TO THE COUNCIL'S STANDING ORDERS.**

**COUNCIL RESOLVED:** That Councillor Hook be appointed Chairman of the Policy and Organisation Board for the 2020/2021 Municipal Year.

### **NOTIFICATION OF URGENT DECISION TO INTRODUCE SUPPLEMENTARY STANDING ORDERS**

RESOLVED: That the Council noted the report.

### **TO APPOINT THE BOARDS, NOMINATED DEPUTIES FOR THE REGULATORY BOARD, AND STANDARDS AND GOVERNANCE COMMITTEE AND PANELS AND OUTSIDE BODIES.**

Members considered a provisional list of appointments to vacancies listed above for the Municipal Year 2020/21.

**COUNCIL RESOLVED:** That the provisional list of appointments to vacancies listed above for the Municipal Year 2020/21 be approved and adopted and agreed and that the following Chairman and Vice Chairman be appointed.

Policy and Organisation Board – Vice Chairman Councillor Burgess  
 Community Board – Chairman – Councillor Raffaelli, Vice Chairman Diane Furlong  
 Economic Development Board – Chairman Councillor Philpott, Vice Chairman Councillor Beavis  
 Climate Change Board – Chairman Councillor Jessop, Vice Chairman Councillor Morgan  
 Housing Board – Chairman Councillor Burgess, Vice Chairman Councillor Mrs Jones  
 Regulatory Board – Chairman Councillor Mrs Hook, Vice Chairman Councillor Casey  
 Standards and Governance Committee – Chairman Councillor Blackman, Vice Chairman Councillor Mrs Batty.

## **MINUTES REFLECTION**

Members paused in reflection and paid tribute to Honorary Freeman Hewitt, former Councillor Jenny Reynolds and the former MP Sir Peter Viggers who had all recently passed away.

Concluded at 8:05

The Mayor.



## **A MEETING OF THE ECONOMIC DEVELOPMENT BOARD WAS HELD ON 1 JULY 2020**

The Mayor Councillor Hook

Councillors Mrs Huggins, Bateman, Beavis, Casey, Mrs Cully (Substituting for Farr), Earle (Substituting for Ms Ballard), Mrs Furlong, Hutchison, Jessop, Mrs Jones, Miss Kelly, Mitchell, Philpott, Mrs Prickett, Scard and Westerby (Substituting for Ms Ballard)

### **PART II**

#### **6. HOUSING DELIVERY TEST ACTION PLAN**

Consideration was given to a report of the Planning Policy Manager setting out and seeking approval for Gosport's HDT Action Plan (Annex 1) which analyses current housing delivery in the Borough and identifies measures to address the shortfall in delivery over the last three years.

In answer to a Member's question, the Board was advised that if a property was specifically constructed as a holiday let, which did not often happen in Gosport then it would not be included in the numbers, however those properties built as dwelling houses and subsequently used as holiday lets, would be.

In answer to a Member's question, the Board was advised that taskforce noted on page 21 was chaired by the MP and included stakeholders such as the MOD and MOJ and occasionally One Public Estate, local base commanders and the Solent LEP and the Council did not coordinate it, as it was a government based meeting that officers and members of the Council attended by invite.

The Planning Policy Manager advised that the Housing Delivery test action plan regulations did not require the monitoring of the energy efficiency of housing in the document but that going forward in the Local Plan the standards relating to energy efficiency would be included as part of the climate change considerations and that the Authority would monitor the energy efficiency of properties against those targets.

In addition it was confirmed that the Housing Delivery action plan also did not cover affordable homes and it was confirmed that those were covered in the authority monitoring report of the local plan, including a year by year breakdown of the affordable housing provided.

The Housing Delivery Test Action Plan was a new document required to compare the Council's performance against a 3 year total, based on the Local Plan figure.

In answer to a Member's question the Board was advised that Houses of Multiple Occupation were considered to be one dwelling.

The Board was also advised that only net gains were counted.

Members welcomed the report as clear and comprehensive and thanked the planning team.

Economic Development Board  
1 July 2020

It was recognised that the Borough was 72% built on in Gosport which was a high level, other authorities were substantially less developed and that Gosport was in a very difficult position as a result. This figure was 12 times the national average and the Borough was extraordinarily densely populated.

It was acknowledged to a degree this was reflected in the houses the Borough were required to provide, but it was felt that it did not recognise the difficulties enough.

The Head of Planning Policy advised that it was mindful to consider that good communities required a mix of open space, employment and residential land. As a result there were limited sites available for development.

Members welcomed the efforts made to try and get the sites needed to provide properties with the limited availability of suitable areas.

Members acknowledged that the nitrates issue had impacted on development, not only within the Borough but for the Solent region creating a large backlog of planning applications. The Council had been lobbying Government for a pause on the Housing Delivery Test requirements until such time the nitrates issue can be resolved.

It was acknowledged that the MOD properties were complex and that there was often contamination, listed buildings, access issues and lack of services, which made them problematic sites to develop as a result of the investment required. The Borough also only had brownfield sites for developments.

In answer to a Member's question the Board was advised that the Local Plan determined the location of build sites and that this would be reviewed as the Plan was developed. It was recognised that there was a balance between creating jobs and providing houses.

The Planning Policy Manager advised the Board that when the last Local Plan had been considered, representation had been made that the Council could not meet the requirements set out by the objectively assessed housing need evidence (similar to the current standard methodology). The Council made the case that the Local Plan made best use of the land on brownfield sites and that retention of other land was required for open space and employment. Consequently the Planning Inspector agreed with the Council's position and the housing figures accepted.

**Resolved** That the Board approves the Housing Delivery Test Action Plan (Annex 1) for publication and submission to the Ministry of Housing, Communities and Local Government (MHCLG) by August 2020, and that any minor amendments be delegated to the Manager of Planning Policy.

## 7. EXCLUSION OF THE PUBLIC

RESOLVED: That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 1 and 3 of Part 1 of Schedule

12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information, for the reasons set out in the report.

**8. PRIDDY'S HARD RESTRICTIVE COVENANTS**

Consideration was given to an exempt report of the Borough Solicitor and Monitoring Officer.

RESOLVED: That the recommendations in the report be agreed.

**9. GOSPORT LEISURE CENTRE COFFEE SHOP & DRIVE-THRU**

Consideration was given to an exempt report of the Borough Solicitor and Monitoring Officer.

RESOLVED: That the recommendations in the report be approved.

**10. NEW LETTING OF 1 PHOENIX WAY, GOSPORT (UPDATE)**

Consideration was given to an exempt report of the Borough Solicitor and Monitoring Officer.

RESOLVED: That the recommendations in the report be approved.

**CHAIRMAN**

Concluded at 7.41 pm

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**A MEETING OF THE POLICY AND ORGANISATION BOARD  
WAS HELD ON 10 JUNE 2020**

The Mayor

Councillors Ms Ballard, Bateman, Burgess, Chegwyn, Mrs Cully, Foster-Reed, Herridge, Hook, Mrs Hook, Hylands, Jessop, Murphy, Philpott, Mrs Prickett and Raffaelli

**PART II**

**5. ELECTION OF VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2020-21**

This item was considered at the Council meeting prior to this meeting taking place.

**6. ANY OTHER ITEMS**

The Board was advised that there were two reports for considerations.

Both reports are late due to circumstances resulting from the Covid-19 pandemic:

- Government rules have been introduced regarding discretionary payments that have required emergency implementation by the Council
- A support package for the Gosport Ferry Company due to the pandemic has only recently been agreed by Gosport Borough Council with Portsmouth City Council and Hampshire County Council, which requires an urgent decision regarding hardship relief

The papers could have been dealt with by using the urgency powers of the Chief Executive, but as a meeting of Members was imminent it was decided that this was preferable to the decisions being taken by Officers.

**REDUCTION/REMISSION OF BUSINESS RATES ON THE GROUNDS OF HARDSHIP**

Consideration was given to a report of the Head of Local Taxation requesting that consideration be given to an application for hardship relief from non-domestic rates under Section 49 of the Local Government Finance Act submitted by Gosport Ferry Ltd, Landing Stage, The Hard.

In answer to a Member's question the Board was advised that the £30,000 was being funded by central government funds.

The Council had made it clear to the ferry company that there were to be no dividend payments to the shareholders.

Members noted that the staff had taken a 20% pay cut in these difficult times.

Members welcomed a joint approach to the support being provided to the ferry company to keep the essential services.

Members recognised that the ferry was a crucial service to the residents of Gosport, and welcomed the support being offered to the ferry. It was recognised that the ferry company needed to acknowledge the support provided moving forward.

Members expressed disappointment that the ferry had not been afforded the same support in the crisis that other methods of transports such as buses had.

**RESOLVED:** That the Policy at Appendix A of the report be approved and that delegation be given to the Head of Finance and the Head of taxation for the immediate implementation of the policy.

## **DISCRETIONARY GRANT PAYMENTS**

**Councillor Jessop left the room and took no part in the discussion and voting thereon.**

Consideration was given to a report of the Head of Finance requesting that consideration be given to approving the Discretionary Rate Grant Policy.

The Board was advised that the Group Leaders had considered the proposal prior to the meeting and had the Leader of the Liberal Democrats had proposed that an amendment be made to page 3 of the policy as follows.

- have a business premises based in the Borough. This includes a B&B based in part of the applicant's main residence. The criteria to qualify for this is: the owner must live there, and accommodation and breakfast (with appropriate Food Safety qualification) be provided for six or fewer guests. These B&Bs will be assessed on the percentage of their overheads which relate to the B&B aspect).

Other businesses which are operated solely from domestic premises are also eligible for this scheme.

Councillor Chegwyn advised that he occasionally worked from home but would not apply for any grant.

He welcomed the inclusion of the amendment as there were many people that worked from home that missed out on being eligible for other grants and welcome all those in the community as much as possible.

Members welcomed the support for the extended community and the Chairman of the Board advised that there was pressure being put on the Government to ensure that any remaining funds in the small business grant fund to support the wider community. This was welcomed by Members

In answer to a Member's question the Board was advised that childminders would be considered eligible for the policy.

Policy and Organisation Board  
10 June 2020

Councillor Murphy also advised that he occasionally worked from home and would not be claiming the funding.

He reiterated the importance of supporting as many people as possible.

In answer to a Member's question the Board were advised the those had not applied for small business grants were continuing to be encouraged to do so and that there had not yet been an answer from the Government about the retention of any surplus funds, but that there was pressure to the MP to push for this. Additionally a cut-off date for applications had not been confirmed. The Board was advised that they would be advised of any change to this.

The Borough Treasurer advised that thought there was no guidance on timing of decisions, the Government had advised that if it was possible to prove that there was an oversubscription of the fund by businesses in need then the underspend would be considered for retention by the Government. It was important therefore that the records of businesses requiring support was detailed.

The Board unanimously agreed that the amended recommendation be agreed.

RESOLVED:

That the Board approves the Policy at Appendix A including the amendment at page 3 and delegates immediate implementation of the Policy to the Head of Finance and Head of Taxation.

**CHAIRMAN**

Concluded at 20:50

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<b>Board/Committee:</b>	FULL COUNCIL
<b>Date of meeting:</b>	29 JULY 2020
<b>Title:</b>	SEASHORE BYELAWS
<b>Author:</b>	BOROUGH SOLICITOR AND MONITORING OFFICER
<b>Status:</b>	FOR DECISION

## **Purpose**

Previous reports to have referred to reviewing the Council's byelaws. The priority has to be the seashore byelaws which are out of date and causing practical issues of enforcement on the seashore within the Borough. The report sets out the process for reviewing and amending the byelaw including consultation and seeking the approval of the Secretary of State.

## **Recommendation**

**That the Council approves the review of the seashore byelaws and the process and actions set out in this report including:**

- **regulatory assessment of draft proposed byelaw including initial informal consultation**
- **sending byelaw to Secretary of State following informal consultation and any necessary amendment**
- **advertising the byelaw and putting it out to further formal consultation on its return from Secretary of State**

### **1.0 Background**

**1.1** In January 2020 a report to Community Board proposed the review of the Council's byelaws to ensure that these were up to date and effective. Any obsolete or out of date byelaws should be revoked.

**1.2** It has been identified that the Seashore Byelaws which are dated 8 January 1958, are in need of updating to ensure that they refer to activities which require regulation and also so that enforcement powers are sufficiently robust and create a deterrent.

### **2.0 Report**

**2.1** The process for amending a byelaw is the same for making a new byelaw. Before amending a byelaw the Council should consider whether the byelaw needs to be retained at all, even in its amended state, as it may now no longer be required. For example, the issue the byelaw addressed in the past may now be addressed through national legislation. Having reviewed the position regarding the seashore byelaws, it is clear that no other legislation

exists to regulate certain activities at the seashore. The Government's own website contains model byelaws that can be used and adapted for local requirements and as such Officers have adapted the byelaws which are relevant for seashore activities to replace the wording of the existing byelaws. A set of these draft byelaws are appended to this report. The precise area to which these byelaws should apply will be proposed as part of the consultation exercise.

**2.2** The Council will need to undertake a regulatory assessment of the proposed byelaws to ensure that these are proportionate. The regulatory assessment must include at least the following considerations:

- what is the objective of the proposed byelaw?
- could the objective be achieved in any other way, short of a byelaw?
- what will be the impact of the byelaw upon those affected by it?
- will the proposed byelaw increase, or decrease, the regulatory burden imposed upon those affected by it, and can the local authority express this increase or decrease as a financial cost or benefit?
- how does making the proposed byelaw compare with taking no further action?

**2.3** In carrying out the regulatory assessment, the Council must consult such persons it considers may be affected by the proposed byelaw. As well as being a requirement of the byelaw making process, thorough consultation with interested parties can result in the creation of a more suitable byelaw that is more resistant to challenge and less likely to be the subject of objections than would otherwise have been the case. Consultation also allows the Council to gauge support for the proposed byelaw. It is expected that the Council will consult particular groups affected including seashore users, operators, disability groups

**2.4** Following the regulatory assessment and consultation the draft byelaws will be submitted to the Secretary of State for leave to make the proposed byelaw. If leave is given the byelaw will need to be advertised and a period of formal public consultation entered for not less than 28 days.

**2.5** Upon expiry of the consultation period the Council will have to decide whether to make the byelaws at a further meeting of the full Council. At this future meeting the Council must consider all representations received, including objections, and determine how to proceed with any representations received. If the Council formally resolves to make the proposed byelaw it should be executed as a formal legal document.

**2.6** Byelaws are local enactments that may result in a prosecution in the courts and a fine. Publicising the byelaw is an integral part of ensuring that any new byelaw that will soon come into force is brought to the attention of the wider local community. The Council must therefore publicise the fact that a new byelaw has been made at least 7 days before the day on which the

byelaw comes into force by placing signs and publicising the new byelaw on its website. Byelaws come into force 30 days after the date they are made.

### **3.0 Risk Assessment**

**3.1** The byelaws need to be updated in order to be effective in regulating the activity set out within them. Without updating the byelaws the older version of the seashore byelaws will remain in place.

### **4.0 Conclusion**

**4.1** The next steps are summarised as follows:

- A formal Regulatory Assessment including informal 28 day consultation
- Sending the byelaw to Secretary of State for leave to make the byelaws.
- Byelaw is advertised upon its return from the Secretary of State for formal public consultation
- Further report to Full Council to consider final representations, whether to amend byelaw and confirm it.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	Contained within the report
<b>Crime and Disorder:</b>	N/A
<b>Equality and Diversity:</b>	N/A
<b>Service Improvement Plan implications:</b>	
<b>Climate Change implications:</b>	
<b>Corporate Plan:</b>	
<b>Risk Assessment:</b>	See section 3.
<b>Background Papers:</b>	Community Board report February 2020
<b>Appendices:</b>	
<b>Report Author/Lead Officer:</b>	Paul Grant, Borough Solicitor and Monitoring Officer

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# **GOSPORT BROUGH COUNCIL**

## **BYELAWS FOR THE SEASHORE**

### **ARRANGEMENT OF BYELAWS**

1. Interpretation
2. Application
3. Fishing
4. Sandlines
5. Bait digging
6. Horse riding
7. Cycling
8. Motor Vehicles
9. Public shows and performances
10. Games
11. Begging, Touting and Trading
12. Fires
13. Parties
14. Aircraft
15. Drones
16. Personal Water Craft/Jet Skis (PWC)
17. Kites and kite-buggies
18. Unauthorised erection of structures
19. Removal of signs and structures

20. Interference with life-saving appliances

21. Obstruction

22. Trespass

23. Savings

24. Penalty

25. Revocation of byelaws

SCHEDULE 1 - areas of seashore to which byelaws apply

Byelaws made under section 82 of the Public Health Acts Amendment Act 1907 by Gosport Borough Council for the prevention of danger, obstruction, or annoyance to persons using the seashore.

## 1. INTERPRETATION

In these byelaws:

“**the Council**” means Gosport Borough Council;

“**designated area**” means an area of the seashore which is set aside for a specified purpose, that area and purpose to be indicated by notices placed in a conspicuous position;

“**seashore**” means all that area of beach and foreshore shown coloured pink on the plan attached to these byelaws as Schedule 1 including all steps, ramps, paths and jetties from time to time situated either above the level of low water mark of medium tides or between the level of low water mark of medium tides and the promenade (as the case may be);

“**restricted area**” means such parts of the seashore as lie above the low water mark

“**personal water craft / jet ski (PWC)**” means any jet-propelled vehicle that skims across the surface of water and typically is ridden like a motorcycle.

“**motor vehicle**” means a vehicle used on the road.

## 2. APPLICATION

These byelaws apply to all areas of seashore that border the Borough of Gosport.

## 3. FISHING

No person shall fish from the seashore in such a manner as to cause danger, obstruction or annoyance to any person using the seashore.

#### **4. SANDLINES**

No sandlines shall be laid in such a position as to be likely to cause injury to any person using the seashore, and all sandlines shall be visibly marked.

#### **5. BAIT DIGGING**

(1) No person shall dig for fishing bait within the restricted area.

(2) No person shall dig for fishing bait for commercial purposes except with the consent of the Council.

#### **6. HORSE RIDING**

No person shall break in or ride or drive any horse or other animal on the seashore.

#### **7. CYCLING**

(1) No person shall without reasonable excuse ride a cycle on the seashore except where there is a right of way for cycles or a designated route for cycles.

(2) Where cycling is permitted on any part of the seashore by byelaw no person shall cycle between the hours of dusk to dawn without adequate lights enabling them to see and be seen indicated by notices conspicuously displayed on the seashore.

(3) Outside the designated areas, no person shall cycle on the seashore.



## **8. MOTOR VEHICLES**

- (1) No person shall without reasonable excuse propel or drive any motor car or motor vehicle or motorcycle on the seashore
- (2) No person shall without reasonable excuse park for any period of time any vehicle, including cars, campervans, motorhomes unless parking in designated areas suitable for those vehicles.

## **9. PUBLIC SHOWS AND PERFORMANCES**

- (1) No person shall deliver any lecture, sermon or speech or perform any music, or hold any entertainment without the consent of the Council except in a designated area for such performances.
- (2) No person shall use any designated area for performances in such a manner as to cause obstruction or annoyance to any person using it for any purpose for which it has been set apart.

## **10. GAMES**

- (1) No person shall on the seashore play or participate in any game or sport so as to cause danger, obstruction or annoyance to any person.
- (2) Where the Council has set aside a designated area for a particular sport or game, no person shall participate in that game or sport except in the designated area.
- (3) No person shall obstruct any person from using a designated area for the purpose for which it is set aside.

## **11. BEGGING, TOUTING, TRADING ETC**

(1) No person shall—

- (a) sell or hawk any article or any food or drink;
- (b) advertise or solicit custom for any service; or
- (c) distribute handbills, circulars or advertisements; or
- (d) beg

(2) in such a manner as to cause obstruction or annoyance to any person on the seashore.

## **12. FIRES**

(1) No person shall:

- (a) light a fire; or
- (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
- (c) release a lighted sky lantern into the atmosphere.
- (d) light a BBQ unless in a designated area and subject to byelaw 12(2)(b)

(2) Byelaw 12(1) shall not apply to:

- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
- (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a

properly constructed barbecue, in a designated area for  
barbecues

### **13. PARTIES**

(1) No person shall hold a party on the seashore without the consent of the  
Council.

(2) In byelaw 13(1), “party” means an event attended by 15 or more people at  
which music will be played.

### **14. AIRCRAFT**

(1) No person shall except in cases of emergency start, take, off or land an  
aircraft on any part of the seashore except on such part as—

(a) is designated by the Council for the starting, taking off or landing  
of aircraft; and

(b) is licensed by the Civil Aviation Authority as an aerodrome.

### **15. DRONES**

(1) No person shall without a valid license start, take-off, operate or land a drone  
on any part of the seashore.

(2) In byelaw 15(1) a drone is any unmanned aerial vehicle(s) (UAVs) or  
unmanned aircraft system(s) (UASs).

### **16. PERSONAL WATER CRAFT / JET SKIS (PWC)**

- (1) No person shall launch a PWC from the seashore except in the designated areas marked.
- (2) Where launching a PWC is permitted on any part of the seashore by byelaw 16(1), no person shall do so between the hours of 8am to Sunset indicated by notices conspicuously displayed on the seashore
- (3) In any event no person shall launch a PWC in such a manner as to cause danger, nuisance or annoyance to any other person on the seashore.

#### **17. KITES AND KITE BUGGIES**

No person shall on the seashore fly any kite, set up kitesurfing equipment, practice kitesurfing or drive any vehicle powered by a kite in such a manner as to cause danger, nuisance or annoyance to any other person on the seashore.

#### **18. UNAUTHORISED ERECTION OF STRUCTURES**

- (1) No person shall erect or place on the seashore any booths, tents, sheds, stands, stalls, shows, exhibitions, swings, roundabouts, or any other structure, whether fixed or movable without the consent of the Council, except in a designated area for such structures.
- (2) Byelaw 18(1) shall not apply to the use of personal windbreaks.

#### **19. REMOVAL OF SIGNS AND STRUCTURES**

No person shall without reasonable excuse remove from the seashore or displace any barrier, post or seat or any part of any structure or ornament or any notice or flag displayed by or on behalf of the Council or any other competent authority.

## **20. INTERFERENCE WITH LIFE-SAVING APPLIANCES**

No person shall except in case of emergency remove from the seashore or displace any life-saving appliance provided by or on behalf of the Council or any other competent authority.

## **21. OBSTRUCTION**

No person shall on the seashore—

- (1) obstruct any officer of the Council in the proper execution of his duties,
- (2) obstruct any person carrying out an act which is necessary to the proper execution of a contract with the Council.

## **22. TRESPASS**

No person shall encamp or reside on the seashore.

## **23. SAVINGS**

- (1) It shall not be an offence under these byelaws for an officer of the Council to do anything necessary to the proper execution of his duty or for any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of that contract.
- (2) Nothing in or done under these byelaws shall—
  - (a) operate as a grant by or on behalf of the Crown as owner of the foreshore below high water mark of any estate or interest in or right over the foreshore or any part of it;

- (b) prejudice the rights and interests of the Crown;
- (c) prevent the exercise of any public rights; or
- (d) affect any right, power or privilege legally exercisable by any person in, over and in respect of the Seashore.

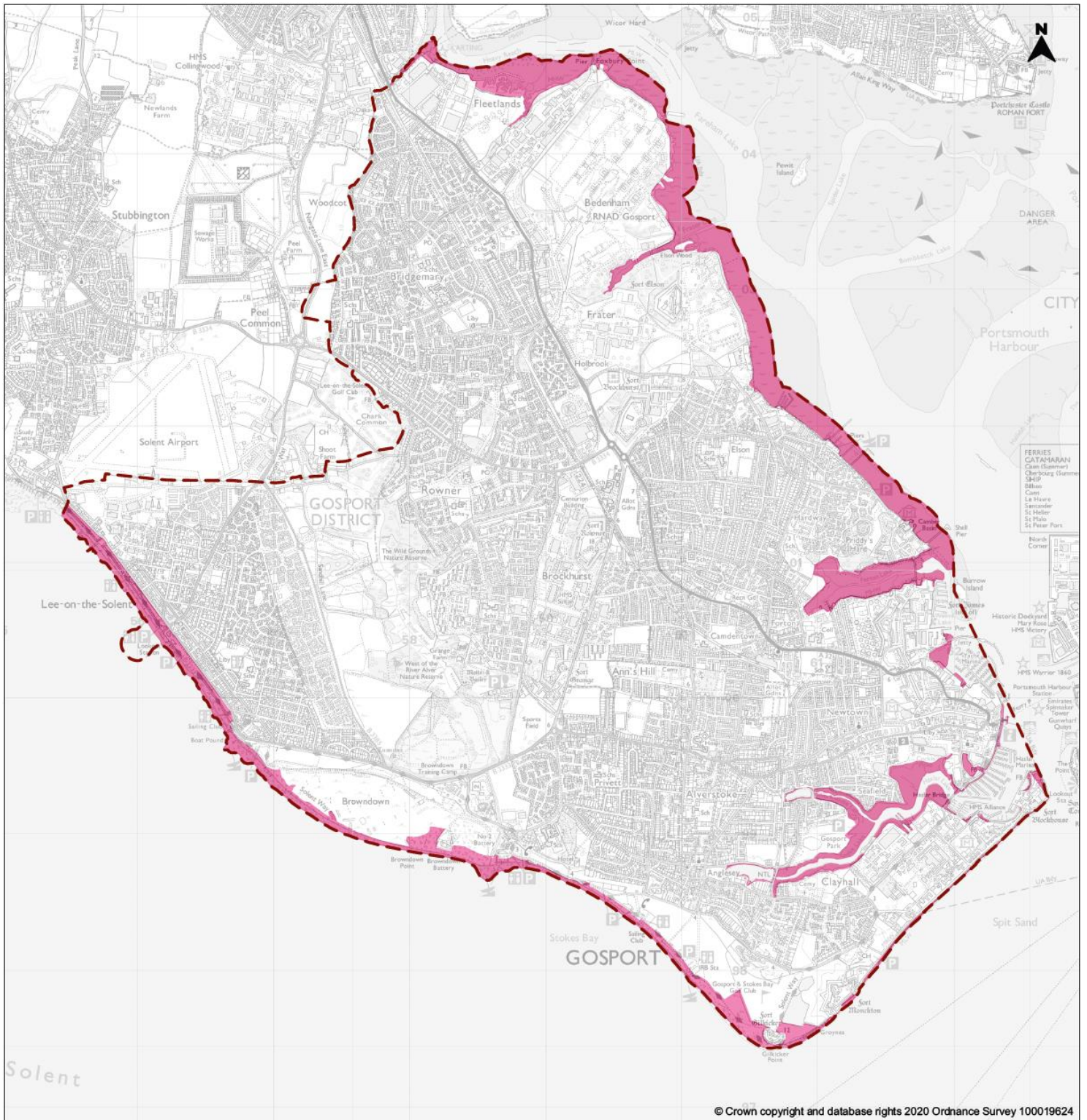
#### **24. PENALTY**

Any person offending against any of these byelaws shall be liable to an on the spot fine and or removal of their possessions and on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **25. REVOCATION**

The byelaws made by the Mayor, Alderman and Burgess of the Borough of Gosport acting by the Council by virtue of the powers conferred on the Council by Section 82 of the Public Health Acts Amendments Act 1907 on 22 January 1958 with the consent of the Minister of Transport and Civil Aviation are hereby revoked.

# SCHEDULE 1 - AREAS OF SEASHORE TO WHICH BYELAWS APPLY



Scale 1:28000  
0 250 500 750 1000 1250 m

If this map has been transmitted electronically, use the scale bar in preference to the written scale

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